

REMARKS/ARGUMENTS

Claims 1-37, and 40-42 are pending in this application after entry of this response, with claims 38 and 39 having been previously cancelled without prejudice or disclaimer. In the office action, claims 1-2 and 41-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Colligan et al. (U.S. Pat. 5,415,031), in view of Candelore (U.S. Pat. 6,363,149). Claims 3, 5-14, 17-20, 22-24 and 26-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bertram (U.S. Publication 2003/0140340), in view of Candelore (U.S. Pat. 6,363,149). Claims 4, 15-16, 21 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bertram (U.S. Publication 2003/0140340), in view of Candelore (U.S. Pat. 6,363,149) and further in view of Dunn et al.

Claims 1-2 and 41-42

Claims 1 and 41 have been amended to clarify the encryption renewal system by reciting the feature of "wherein said encryption renewal system performs periodic entitlement control message renewal in synchronization with said conditional access system." Applicant's specification supports this amendment. See, e.g., pages 14-15, paragraphs 57 and 58. Clearly, neither the Colligan reference nor the Candelore reference teaches a system that utilizes an encryption renewal system that performs periodic entitlement control message renewal in synchronization with the conditional access system. As noted by the examiner, the Colligan reference fails to teach an encryption renewal system generating time limited entitlement control messages. Furthermore, the passage cited by the examiner from the Candelore reference teaches generating ECM's that contain fields encrypting future delivered group or service keys and recording them along with the content. It does not teach periodic renewal of an entitlement control message in synchronization with the conditional access system. In fact the passage of Candelore cited in the office action does not reference a conditional access system.

Therefore, it is believed that claims 1 and 41 are in condition for allowance. Claims 2 and 42 depend from claims 1 and 41, respectively, and are therefore believed to be in condition for allowance for at least the same reasons.

Claims 3-16, 33-34

Claim 3 was initially rejected under 35 USC §103 as unpatentable over the combination of Bertram in view of Candelore. Claim 3 has been amended to recite: "periodically retrofitting a second time limited entitlement control message to the pre-encrypted content for permitting access to the pre-encrypted content after the first key information expires." The cited references do not teach periodically retrofitting a time limited ECM. For example, Candelore merely discusses generating ECM's that contain fields encrypting future delivered group or service keys and recording them along with the content. It does not teach periodic renewal of an entitlement control message. Therefore, it is believed that claim 3 is in condition for allowance. Similarly, claims 4-9 and 11-16 and 33-34 depend from claim 3. Therefore, they are believed to be in condition for allowance for the same reasons that claim 3 is in condition for allowance.

Claims 17-19

Claim 17 has been amended to recite "wherein said means for generating said first and said second time limited entitlement messages performs periodic entitlement control message renewal in synchronization with said conditional access system." As noted above in the discussion of claim 1, the passage cited by the examiner from the Candelore reference teaches generating ECM's that contain fields encrypting future delivered group or service keys and recording them along with the content. It does not teach periodic renewal of an entitlement control message in synchronization with the conditional access system. Therefore, claim 17 is believed to be in condition for allowance. Claims 18 and 19 depend from claim 17 and are believed to be in condition for allowance for at least the reasons that claim 17 is allowable.

Claims 20-23, 31-32, and 40

The office action has failed to address all the elements of claim 20. Namely, the office action has failed to address the element "generating for the first communication system, a first time limited control message for providing access to the pre-encrypted content based on the first cryptographic information and the first encryption record" in its entirety. For example, the office action notes that Bertram does not teach this element. Then, in discussing Candelore and the combination of Candelore with Bertram, the office action fails to state how access could be provided based on the first cryptographic information and the first encryption record. Since this aspect of the claim was not addressed by the office action, the office action has failed to establish a prima facie case of unpatentability under 35 USC §103. Therefore, claim 20 is believed to be in condition for allowance. Since claims 21-23, 31-32, and 40 are dependent upon claim 20, they are allowable for at least the same reasons that claim 20 is allowable.

Claims 24-30, 35-37

Again, the office action has failed to address all the elements in independent claim 24. Notably, the office action fails to show how the combination of Candelore and Bertram teaches the use of a periodical key to generate the entitlement control messages. Rather, it mistakenly states that the combination of Candelore and Bertram would allow decryption of content for a period of time. This is not the same as the recited element which calls for the use of a periodical key to generate the entitlement control messages. Therefore, the office action has failed to make a prima facie case of unpatentability under 35 USC §103. Consequently, claim 24 is believed to be in condition for allowance. Since claims 25-30, and 35-37 depend from claim 24, they are believed to be in condition for allowance for at least the same reasons that claim 24 is allowable.

Appl. No. 09/898,184
Amdt. dated June 16, 2005
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2135

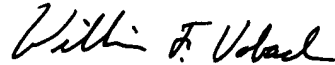
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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